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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/089,312	06/02/1998	STEWART FINDLATER	CISCP035	2703

22434 7590 03/05/2002

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

EXAMINER

HOM, SHICK C

ART UNIT	PAPER NUMBER
2661	

DATE MAILED: 03/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AMO



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DATE MAILED:

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment filed on 2/21/02 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000 and 1238 O.G. 77, Sept. 19, 2000).

- The amendment does not include a clean version of the replacement paragraph/section. 37 CFR 1.121(b)(1)(ii)
- The amendment does not include a marked-up version of the replacement paragraph/section 37 CFR 1.121(b)(1)(iii)
- The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i)
- The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii)

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

Applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121, effective March 1, 2001, in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 C.F.R. 1.136(a).

Joy Dabbs
Legal Instruments Examiner

Please provide a clean version of the amended abstract and the continuing date.

Changes to the Patent Rules

October 24, 2000

Volume 1, Issue 3

This is the third in a series of Patent News Bulletins to assist you in keeping up to date with significant rule changes which affect your area. Keep this copy to use as a bookmark for your present MPEP, or view this bulletin again on the USPTO Website.

BOOKMARK

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Simplified Amendment Practice.

Replacement paragraphs/sections/claims to be used. 37 CFR 1.121



The rule package "Changes to the Patent Business Goals - Final Rule," published in the *Federal Register* on September 8, 2000, 65 Fed. Reg. 54603 (Sept. 8, 2000), and the *Official Gazette* on September 19, 2000, 1238 Off. Gaz. Pat. Office 77 (September 19, 2000). The PBO rule package makes a number of revisions to Title 37.

The entire final rule may be found at the USPTO Website at http://www.uspto.gov/offices/technology/patent/areas/individuals/primary_affected_by_this_rule_change.html.

Areas and individuals primarily affected by this rule change include:
(1) Patent Examiners and Tech Support Staff in the Technology Centers
(2) Office of Patent Publication

Any questions related to this change in practice should be directed to

Joe Narcavage,
Special Projects Ext.
(703-305-1795)
OPLA.

Mandatory compliance with the revised rule is not required until March 1, 2001. It is suggested that applicants adopt the revised procedures on or after November 7, 2000, in order to adjust to the changes in amendment practice.

Under the new amendment practice, amendments to the specification must be made by the submission of clean new or replacement paragraph(s), section(s), specification, or claim(s). This practice will provide a specification (including claims) in clean, or substantially clean, form that can be effectively captured and converted by optical character recognition (OCR) scanning during the patent printing process.

The new practice requires applicant to provide, in addition to the clean version of a replacement paragraph/section/claim, a marked-up version using applicant's choice of a conventional

marking system to indicate the changes, which will aid the examiner in identifying the changes that have been made. The marked-up version must be based on the previous version and indicate (by markings) how the previous version has been modified to produce the clean version submitted in the current amendment. The term "previous version" means the version of record in the application as originally filed or from a previously entered amendment.

The following format is suggested in an amendment paper: (1) a clean version of each replacement paragraph/section/claim with clear instructions for entry; (2) starting on a separate page, any remarks, arguments (37 CFR 1.111); and (3)

Amendment by
paragraph/claim
replacement in clean form.

starting on a separate page, a marked-up version entitled "Version with markings to show changes made."

Applicants will also be able to submit a clean set of all pending claims, consolidating all previous versions of pending claims from a series of separate amendments into a single clean version in a single amendment paper. This submission of a clean version of all of the pending claims will be construed as directing the cancellation of all previous versions of any pending claims. No marked-up version will be required to accompany the clean version where no changes other than the consolidation are being made.

The amended rule encourages issuance of applications with an examiner's amendment without practitioners/applicants having to file a formal amendment. Additions or deletions of subject matter in the specification, including

the claims, may continue to be made in an examiner's amendment at the time of allowance by instructions to make any change at a precise location in the specification or the claims. An examiner's amendment may incorporate a printed copy of a fax or e-mail amendment submitted by applicant. Only that part of the e-mail or fax directed to a clean version, or a portion of, a paragraph/claim to be added should be printed and attached to the examiner's amendment, with a paper copy of the entire e-mail or fax being entered in the file. The electronic version of the e-mail is not required to be saved once the printed e-mail (and any attachments) becomes part of the application file record.



MPEP 714+ & 1302.04

A Brief Summary of Some Significant Rule Changes

*Unless otherwise specified in the rule, the effective date for the PBG-FINAL RULE is November 7, 2000.

Amendment Practice (37 CFR 1.121)

• Specification/Claims

- Amendment by paragraph replacement or rewritten claim in clean form
- Marked-up version showing changes must be supplied

See § 1.121 Slides on PBG-FINAL RULE Webpage for suggested amendment FORMAT (Optional now; mandatory March 1, 2001)

Small Entity Status (37 CFR 1.27) - FORMS NO LONGER REQUIRED (Eff. Sept. 8, 2000):

- Mere written assertion (e.g., use check box on Application Transmittal Forms) is acceptable

Abstract and Title Length (37 CFR 1.72)

- Abstract now limited to 150 words (PBG)
- Title now limited to 500 characters (AIPA)

Application Data Sheet (ADS) (37 CFR 1.76) NEW

- Use of ADS encouraged for more accurate capture of bibliographic data. Data in ADS not needed in declaration.

After Allowance Practice (37 CFR 1.85(c) and 1.136)

- No extensions of time permitted to file corrected or formal drawings

Elimination of Issue Fee Preauthorizations (37 CFR 1.311)

- Preauthorizations prior to Notice of Allowance no longer permitted

Rocket Docket Established for Designs (37 CFR 1.155)

- Extra submissions plus \$900 fee is required

Proof of Authority of Legal Representative (37 CFR 1.44) THIS RULE HAS BEEN DELETED. (Eff. Sept. 8, 2000):

- Oath/Dec. (§1.63) should identify legal rep for deceased/incapacitated inventor.

Parts of Applications on CD-R or CD-ROM (37 CFR 1.52(e), 1.58, 1.96 & 1.821)

• Large tables, computer program listings, and biological sequences now allowed on CD.

Patent Business Goals Final Rule

65 Fed. Reg. 54604 (September 8, 2000)

1238 Off. Gaz. Pat. Office 77 (September 19, 2000)



USPTO's PBG-FINAL RULE webpage has helpful related information at one location:
<http://www.uspto.gov/web/offices/dcom/olia/pbg/index.html>

This site includes:
a Listing of Affected Rules,
Training & Implementation
Materials including Training
Slides, Q & A's, Summaries,
Effective Date Chart, Forms
Changed by Recent Rules, etc.

Contact:

Bob Spar (703) 308-5107 or
Hiram Bernstein (703) 305-8713
for any PBG Change.

Joe Narcavage (703) 305-1795
for 37 CFR 1.121

Amendment Practice Changes

Eugenia Jones (703) 306-5586
for 37 CFR 1.27 - Small Entity
Changes

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